

CHAPTER 69-05.2-19
PERFORMANCE STANDARDS - WASTE MATERIALS

Section

69-05.2-19-01	Performance Standards - Waste Materials - General Requirements [Repealed]
69-05.2-19-02	Performance Standards - Waste Materials - Permanent Disposal of Coal Wastes
69-05.2-19-03	Performance Standards - Waste Materials - Temporary Disposal of Coal Processing Wastes
69-05.2-19-04	Performance Standards - Waste Materials - Disposal of Noncoal Wastes

69-05.2-19-01. Performance standards - Waste materials - General requirements. Repealed effective June 1, 1983.

69-05.2-19-02. Performance standards - Waste materials - Permanent disposal of coal wastes.

1. All coal processing waste and waste materials from coal utilization processes and coal conversion facilities to be permanently disposed of within a permit area and that are required to be permitted under the solid waste management rules of the North Dakota state department of health must be disposed of according to those rules and this chapter.
 - a. The permittee or operator shall file application for and design the disposal site as required by the state department of health and concurrently submit a copy of the application to the commission.
 - b. The permittee or operator shall also submit to the commission a permit revision that will incorporate the disposal activities into the operations and reclamation plan. The commission will not approve the revision until the state department of health issues a solid waste permit.
2. Waste materials covered by this section must be placed only in excavated pit areas approved by the commission. Prior to disposal, the operator shall demonstrate, using hydrologic, geotechnical, physical, and chemical analyses, that disposal of these materials will not:
 - a. Adversely affect ground water quality and flow;
 - b. Create public health hazards; and
 - c. Cause instability in the disposal areas.

3. All permanent coal processing waste disposal facilities must be designed using current, prudent engineering practices and meet any design criteria established by the commission. A qualified registered professional engineer, experienced in the design of similar earth and waste structures, shall certify the design of the disposal facility.

History: Effective August 1, 1980; amended effective June 1, 1983; May 1, 1990; June 1, 1997.

General Authority: NDCC 38-14.1-03

Law Implemented: NDCC 38-14.1-24

69-05.2-19-03. Performance standards - Waste materials - Temporary disposal of coal processing wastes. The commission may approve the temporary disposal of coal processing wastes in areas other than excavated pits if the operator demonstrates that:

1. All surface drainage from the area above the disposal site will be diverted as required by the commission.
2. Measures will be taken to minimize surface erosion at the disposal site.
3. All water discharged from the disposal site will comply with chapter 69-05.2-16.
4. No toxic mine drainage from the disposal site will degrade surface or ground water.
5. The disposal site will not create health hazards.
6. Coal processing waste fires can be extinguished in an approved manner.
7. The coal processing waste will be compacted to prevent spontaneous combustion.
8. Fugitive dust from the disposal site can be controlled.
9. The coal processing waste will be permanently disposed of in a timely manner in accordance with section 69-05.2-19-02.
10. The disposal site will be restored in accordance with this article.
11. Dams and embankments constructed of or impounding coal processing waste as a temporary disposal method are in compliance with chapter 69-05.2-20.
12. All temporary coal processing waste disposal facilities are designed using current, prudent engineering practices and meet any design criteria

established by the commission. A qualified registered professional engineer, experienced in the design of similar earth and waste structures, shall certify the design of the disposal facility.

History: Effective August 1, 1980; amended effective June 1, 1983; May 1, 1990.

General Authority: NDCC 38-14.1-03

Law Implemented: NDCC 38-14.1-24

69-05.2-19-04. Performance standards - Waste materials - Disposal of noncoal wastes.

1. All noncoal waste materials disposed of within a permit area and that are required to be permitted under solid waste management rules of the state department of health must be disposed of according to those rules and this chapter. Before disposal operations begin, the commission must be advised of plans to develop or modify a noncoal waste disposal site.
2. Noncoal wastes including concrete products, plastic material, abandoned mining machinery, wood materials, and other nonhazardous materials generated during mining and noncoal waste materials from activities outside the permit area, such as municipal wastes, must be placed and stored in a controlled manner in a designated approved portion of the permit area. Placement and storage of all types of noncoal wastes, including any hazardous materials, must ensure that leachate and surface runoff do not degrade surface or ground water, fires are prevented, and that the area remains stable and suitable for reclamation and revegetation compatible with the natural surroundings. Any wastes containing asbestos may not be disposed of in the permit area unless specific approval is obtained from the state department of health. Solvents, grease, lubricants, paints, flammable liquids, and other combustible materials must be disposed off the permit area except for land treatments of small spills as approved by the state department of health.
3. Disposal sites in the permit area must be designed and constructed to ensure that leachate and drainage from the noncoal waste areas does not degrade surface or underground water. Wastes must be routinely compacted and covered to prevent combustion and windborne waste. When disposal is completed, two feet [60.96 centimeters] of cover or a greater thickness required by the commission must be placed over the site, slopes stabilized, suitable plant growth material respread and revegetation accomplished. Site operation must comply with all local and state requirements.
4. At no time may any solid waste material be deposited at embankment or impoundment sites, nor may any excavation for solid waste disposal

be located within eight feet [2.44 meters] of any coal outcrop or coal storage area.

History: Effective August 1, 1980; amended effective June 1, 1983; May 1, 1990; June 1, 1997; May 1, 1999.

General Authority: NDCC 38-14.1-03

Law Implemented: NDCC 38-14.1-24